G. R. S. IX-5]

Previous references.

189 v
192
(LR)

File No. 180-9 v

Serial Nos. 1-9

Later references.

LR 5-20 (177, 178)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1—9

Part B for June 94.

SUBJECT.

Paleli Kuk of Kondavagal in Arsikere Taluk

Countersigned

Under Secretary

Precis

Appeal Suit no

Appellants: Gowramma 1
Venkatnarnappa 2

One Thotadiana Nanje Gowda was the hukoar Patel of Kondavajil in Arsikere Talk.

The "Sagawali dittam Chitta" of the year 1849 mentions the said Nanje Gowda as Patel of Kondavajil.

The "Sagawali dittam chittas" of 1850 & 1860 respectively also mention him as Patel of the said village.

In the Barabakti register of 1863 & 1864 the said Nanje Gowda is still mentioned as hukoar, but under the head "the person actually doing duty" one Narnappa is mentioned.

This register shews that Nanje Gowda resigned his patel in favor of the said Narnappa.

But the razeenamah said to have been tendered by Nanje Gowda is not forthcoming.

The Kateha Polji settlement took place in 1880. By this time hukoar Nanje Gowda had been dead

In the register prepared

vide Dy Commrs order of 20.6.92

at the Kateha Potgi the Amldar states that Veera son of deceased Nanje'gowda has given a deposition ~~stating~~ that he and his three younger brothers under his protection have relinquished their claims to the pateli of Kondavajil and that Narnappa above named may be appointed Patel.

The deposition said to have been given by the said Veera is also not[†] forthcoming.

On the 29th November 1880 the Deputy Commr ~~[illegible]~~ ordered that Since Linkoar Veera above named had relinquished his claims to the pateli of the said Kondavajil Village, Narnappa was appointed patel.

On the 2d July 1885 Veeranna above named Son of deceased Nanje'gowda presented a petition to the Sub. Divn. office Hassan that when his father was old & unable to do the pateli duties Govt appointed Narnappa as Patel, that when this took place he and his brothers ~~were~~ had been very young, that at the Kateha potgi the above named Narnappa had promised to him that he (N. Narnappa) would resign the office after two years if he was allowed to remain in it till then and it was on account of this

[†] vide[×] Dy Commrs order of 20-6-92

[×] Vide Kateha Potgi Register of 1880

that he (Veerauna) then requested the Potgi settlt officer that the said Narnappa might be appointed patel, that the Sarabaluti Regr pointed clearly that his father Nanje' gowda had been the Kulkoar patel, that not withstanding this Narnappa had lately refused to vacate his office and that therefore his hereditary kulk should be ordered to be restored to him.

The amildar in accordance with the Hassan Sub. Divn officer's orders, issued final orders on the 26th August 1885 to the said Veerauna that the records shewed that Narnappa had not been appointed merely as gumastha and that he (Veerauna) had relinquished his claims to the pateli at the Kateha potgi settlement, that under these circumstances Narnappa could not be removed from the office which he had held for 24 years, and that he (Veerauna) might therefore establish his claims by a regular suit.

Veerauna then appeals to govt against the above order

On the 15th Sepr 1885 govt also issues to him an endorst that his case could not be decided summarily and he might therefore establish his claims by a regular suit.

On the 2d April 1889 Narnappa above named presented a petition to the Amildar that he was ill & unable to do the pateli duties that his brother in-law Nanjappa might for the time being be appointed as gumastha and that after his (Narnappa's) death the said Nanjappa might be made the baravardar.

A few days afterwards ie on the 7th april 1889 Ramia elder brother of Narnappa above named presented a petition that his younger brother Narnappa died 30 days ago and that the pateli of Kondavajil might be conferred upon him (Ramia) since he alone had been the principal heir of his deceased brother.

The Amildar thereupon reported to the Dy Comm^r that Narnappa was dead that the deceased had no male issue that the Barabaleti Registers shews that the deceased Narnappa alone acquired the pateli of Kondavajil in 1880 and the said pateli was therefore not ancestral that the above named Nanjappa was competent to discharge the pateli duties,

28.4.89

On the 2d April 1889 Narnappa above named presented a petition to the Amildar that he was ill & unable to do the pateli duties, that his brother in-law Nanjappa might for the time-being be appointed as gumastha, and that after his (Narnappa's) death the said Nanjappa might be made the baravardar

A few days afterwards ie on the 7th april 1889 Ramia elder brother of Narnappa above named presented a petition that his younger brother Narnappa died 30 days ago and that the pateli of Kondavajil might be conferred upon him (Ramia) since he alone had been the principal heir of his deceased brother.

The Amildar thereupon reported to the Dy Comm^r that Narnappa was dead that the deceased had no male issue that the Barabaleti Registers shews that the deceased Narnappa alone acquired the pateli of Kondavajil in 1880 and the said pateli was therefore not ancestral, that the above named Nanjappa was competent to discharge the pateli duties,

28-4-89

that he (Veerauna) then requested the Polgi settlt officer that the said Narnaffe might be appointed patel, that the Barabalu Reps pointed clearly that his father Nanje' gowda had been the hukoar patel, that not withstanding this Narnaffa had lately refused to vacate his office and that therefore his hereditary hak should be ordered to be restored to him.

The amildar in accordance with the Hassan Sub. Divl officer's orders, issued final orders on the 26th August 1886 to the said Veerauna that the records shewed that Narnaffa had not been appointed merely as gumastha and that he (Veerauna) had relinquished his claims to the patel at the Kateha polgi settlement, that under these circumstances Narnaffa could not be removed from the office which he had held for 24 years, and that he (Veerauna) might therefore establish his claims by a regular suit.

Veerauna then appeales to govt against the above order.

On the 15th Sept 1885 govt also issued to him an endorst that his case could not be Decided Summarily and he might therefore establish his claims by a regular suit.

On the 2d April 1889 Narnappa above named presented a petition to the Amildar that he was ill & unable to do the pateli duties that his brother in-law Nanjappa might for the time being be appointed as gumastha and that after his (Narnappa's) death the said Nanjappa might be made the baravardar.

A few days afterwards ie on the 7th april 1889 Ramia elder brother of Narnappa above named presented a petition that his younger brother Narnappa died 30 days ago and that the pateli of Kondavagil might be conferred upon him (Ramia) since he alone had been the principal heir of his deceased brother

The Amildar thereupon reported to the Dy Comr that Narnappa was dead that the deceased had no male issue that the Barabaluti Registers shews that the deceased Narnappa alone acquired the pateli of Kondavagil in 1880 and the said pateli was therefore not ancestral, that the above named Nanjappa was competent to discharge the pateli duties,

28-4-89

and that in anticipation of sanction Ranjappa was temporarily appointed Patel.

On the 20th April 1869 Veeranna son of the above named Hukoar patel Ranje Gowda presented a petition to the Deputy Commr that his father alone had been the Hukoar patel of Kondavaji that when his father was old and he and his brothers had been very young Narnappa began to do the pateli duties with the consent of the said Ranje' Gowda, that Narnappa was ~~now~~ dead and that the pateli hak might be restored to him.

Again on the 12th June 1869 the said Veeranna and his three brothers presented a petition to the Dy Commr that the deceased Narnappa had no right to the pateli of Kondavagil, that he had been merely doing the duties with the Consent of Hukoar Ranje' Gowda, ~~that they~~ that they (Petrs) had never relinquished their claims and that therefore the pateli hak might be ordered to be restored to them

5

The Amildar was thereupon ordered to enquire into the matter & submit a Report.

The Amildar accordingly reported that Veeranna and his brothers had already lost their hak since they had relinquished it, that the above named Rama was a divided brother of deceased Narnappa and had produced no evidence to shew that the patel of Konsavapi was his ancestral acquisition, and that Ranjappa might be appointed patel in accordance with his deceased brother-in-law Narnappa's will. 26-10-89

The Dy Commr thereupon ordered that Veeranna & his brothers had lost their claims to the patel as per orders of the Dy Commr in 1880, that the matter having been finally settled, could not be re-opened that Rama has not proved that the patel had been acquired by his ancestors and his claims could not be recognized, that if Gouramma (adopted) wife of deceased Narnappa adopted a boy the patel might be registered in the name of such adopted son, but till then it might be registered in her name only and that for the time being Ranjappa above named might officiate as gumastha. No 1065 of 10-12-89

Dodda Sidde'gowda (Plff)
versus
gowramma &
Ranjappa 2 } Defts

On the 11th June 1890 Dodda Sidde gowda (brother of above named Veeranna) and Son of Hukoar Range'gowda filed a regular suit before the Dy Comr. Hassan

The plaint is as follows

(1) That the pateli of Kondaraje belongs to his family.

(2) That his father Range' gowda had temporarily transferred the pateli to the above named Varnappa on the Express condition that the said Varnappa should vacate the office whenever he was asked to do so.

(3) That ever since the potgi settlement Varnappa was giving half of the potgi amount to his (Dodda Sidde gowda's) brothers.

(4) That his father had not tendered any document relinquishing his claims to the pateli, nor had Veeranna above named deposed that he did not want the pateli.

(5.) That the pateli should therefore be registered in his name who is the proper hukoar.

11-6-90

The Amildar was thereupon directed to make the preliminary enquiries & submit the proceedings.

The Amildar on making the necessary enquiries, reported to the Deputy Comr.

28-11-1890

that it was clear from the evidence adduced in the case that the deceases Narnappa had no hereditary hak to the patel of Konbavagil, that Narnappa died issueless, that plaintiffs father ie Ranye' gowda had been for a long time doing the patel duties, that there was nothing to shew when, on what conditions and for what reasons plaintiffs father had resigned the office and that under these circumstances plaintiff might be appointed patel.

On the 4th July 1891 the Deputy Commr orders the Amildar to submit a further report regarding the question of limitation in the case. The Amildar reported that plaintiffs suit was not barred by limitation, and since plff was dead the patel might be registered in the name of his son (Marla Sivva). 30-11-91

The Deputy Commr then heard the case and ordered that from the record it was clear that Marla* Sivva's (Plffs) grandfather Ranye' gowda has been the Nukoar patel, that there was no document to shew that Narnappa above named had been appointed merely as Gumastha, that neither was there anything to shew that the claims of Narnappa had been undisputed

Note- Venkatnarnappa was made 3d Defdt in the case since he was adopted by the 1st Deft.

* Dodda Sivva'gowda Plff after filing the suit died. His minor son Marla Sivva is made Plff. His guardian is above named Veeragowda (Veeranna)

that it might however be safely inferred in the absence of any authority pointing to the contrary that Narnappa who was decidedly not a Hukdar had been performing the duties as Gumasta that the Rajeenama said to have been tendered by Ranji Gowda and the Statement of Veerauna above named relinquishing his and his brother's claims to the patel were not for the coming, that the non-Existence of these papers shewed that there was neither a Ranji Gowda's Rajeenama nor Veerauna's deposition relinquishing their claims, that ~~because~~ ~~incapable~~ under these circumstances the above named Marla Sooda must be held to be the Hukdar, that the office must be registered in his name and that until he attained majority a Gumasta should be appointed to act for him.

20. 6. 92

Gowramma and Venkata Narnappa above named now appeal to this office against the above order on the following grounds:-

(1) That the Dy Commr was wrong in holding that the deceased Narnappa had

been doing the patel-duties as gumastha

(2) that the evidence on record ~~distinctly~~ distinctly proves that the said Narsappa was appointed patel permanently and that he was doing duty for over 30 years.

(3) that the plaintiffs claim was barred by limitation

Posted for hearing Rule 1 by 4th May 98. and give notice to both appts & Respts

29/2.

Office. Rules Depts

The papers have been very carelessly numbered from some of the lower ones, & the letter are torn. This should have been made up in both from the beginning

4/5/98

The order of 4th June 98. The learned — Counsel — for the appellant

Rule 1 and 2 1863/62 Highcourt 4/5/98

Precis in appeal Suit No.
regarding the Relief Kowdayal in the Arsikere
Appellants Taluk.

1 Gowramma
2 Venkatanarasappa

Continued

Offl. Memo No. Rel 7.113-92 of 5-5-93

On the 5th May 93 the Dy. Commissioner of Hassan was requested to forward to this office the Register of 1863-64, referred to in the Records and also the 'Kyfiyat' mentioned in the Amildars note in paper No. 4.

No. 48 of 14-7-93

The Dy. Commissioner in compliance therewith submitted Barabaloki Register of 1863-64 (old and worn out) received from the Amildar of Arsikere Taluk with his report No. 13/57 of 3rd instant and informed that the "Kyfiyat" referred to was reported to be not forthcoming in the Taluk records.

No. 7968 Rel. 7. No 113-92 of 28-7-93

Whereupon the Dy. Commissioner was informed that the above Register did not correspond with the Authenticated copy in the Records and requested to Explain the difference and also if the original forwarded was different, to submit the Register from which the copy above referred to was taken

No. 222 of 8-9-93

In reply the Dy. Commissioner has informed that the authenticated copy pre-

6 was prepared from the Barabaluki Register of 1864 and that the Entries in the Register received with the Memo under reference correspond with those in the Register of 1882-83 received from the Kadur District, wherein it is Entered that Ranjelowda's father was Poladeya and Karnappa was doing the duties, with no other remark, while in the Barabaluki Register of 1864 and in the authenticated copy of this Register filed with record, it is Entered that the father of Ranjelowda was Ranjelowda and Karnappa doing duty with a remark that Ranjelowda having resigned the post, Karnappa was appointed in his stead.

No 6 marked Ref 12
Council

Memo

Petn no 240 of 1892-93

Appellants

Gowramma /
Venkatnarnappa minor
by his guardian Ramia

Versus

Respondent: Narla Sidda
- Son of Dodda Sidda

The accounts of 1849, 1850 & 1860 respectively and the Barabakti Register of 1863-64 mention one Nanje Gowda as hukoar patel of Kondavagil in Arsikere Talk. But the Barabakti Register of 1863-64 also mentions the name of one Narnappa under the head "the person actually doing the duty." This Register further shews that the hukoar Nanje Gowda resigned his office in favor of the above named Narnappa.

In 1880 the Kateha patti settlement took place. By this time hukoar Nanje Gowda had been dead.

In the Kateha patti Register the Amildar says that Veeranna Son of hukoar Nanje Gowda has given a deposition relinquishing his and his brother's claims to the patel of the said Kondavagil and requesting that the above named Narnappa should be appointed patel.

The Kateha patti Register contains also the Deputy Commrs order of 29. 11. 80

that Since Veeranna above named had relinquished his claims to the patel. Narnappa who was doing the duties should be appointed Patel.

In July 1885 Veeranna presented a petition to the Sub. Div. Officer Hassan that Narnappa began to do the patel duties when his (Veerannas) father Nanje'gowda was ill, that at the Kateha polgi Settlement Narnappa had promised to vacate the office after two years if he was allowed to remain in it till then, that notwithstanding this Narnappa had refused to vacate the office, that the Barabaluti Registers clearly shewed that his father Nanje'gowda had been the Shukoar, and that therefore the patel should be restored to him.

The Amildar in accordance with the Sub. Div. Officer's orders, issued final orders to the said Veeranna on the 26th Augt 1885 that. Since he had relinquished his claims at the Kateha polgi Settlement & Since Narnappa had held the office for 24 years he could not be ousted and that he (Veeranna) might establish his claims by a regular Suit.

Veeranna then appealed to Govt against the above order. The Govt also ordered that Veeranna might Establish his claims if any by a regular Suit. 15-9-85

In April 1889 Narnappa died. A few days before his death Narnappa had presented a petition to the Amildar of Arsikere that his brother in law Nanjappa should be made the Baravardar after

his (narnappa's) death.

On the 12th June 1889 Veeranna above named and his three brothers presented a petition to the Dy Commr that the deceased Narnappa had no right to the pateli of Konda-Vajil that the said Narnappa had been merely doing the duties with the Consent of the Mukdar Nanje'gowda, that they (Petrs) had never relinquished their claims to the pateli and that the pateli should therefore be restored to them.

On the 10th December 1889 the Deputy Commr ordered that Veeranna & his brothers had lost their claims at the Katcheri Potji in 1880, that the matter had been finally settled and could not be reopened, that if Gowramma (appellt) wife of deceased Narnappa adopted a boy the pateli might be register-ed in the name of such adopted boy but till then Ranjappa above named might officiate as gumastha.

On the 11th June 1890 Dodda Sidde'gowda brother of above named Veeranna and Son of Mukdar Nanje'gowda filed a regular Suit before the Dy Commr.
The following were the plaint allegations:-
i That the pateli of Kondavaji belonged to his family.
ii That his father had tempo-rarily transferred the office

to Narrappa on the express condition that he should vacate the office whenever he was asked to do so.

iii That his father had not tendered any Rajeenama nor had Veerappa ever deposed that he did not want the patel.

On the 11th June 1890 the Dy Commr ordered the Amildar to make the preliminary Enquiries. The Amildar having accordingly made the Enquiries reported to the Dy Commr that Narrappa had no hereditary hak to the office, that Rangi Gowda hukdar had been for a long time doing the patel duties, that there was nothing to shew when or what conditions and for what reasons Rangi Gowda had resigned the office and that under these circumstances Doddasiddi Gowda (Plff) might be appointed patel.

28. 11. 90

The Dy Commr thereupon heard the case and ordered that from the records it was clear that Plff Marli Siddas grandfather Rangi Gowda had been the hukdar patel that there was nothing to shew that Narrappa had been appointed as gumastha that neither was there anything to shew that Narrappas claim had been undisputed that it might be safely inferred, in the absence of any authority pointing to the contrary, that Narrappa who was decided

× Doddasiddi Gowda after filing the Suit died. His minor son Marli Siddi was afterwards made Plff.

not a hukoar has been do
the duties as gumastha, that
the Rayeruma said to have
been rendered by hukoar
rangi gowda - State
ment said to be been
given by vee ruma relinquish
ing his and his brothers claim
to the pateli were not forthcoming
that under these circumstances
murla siddu above named
must be held to be the hukoar
that the pateli must be regist
-ed in his name and that until
he attained majority a gumastha
should be appointed to act for
him.

gowramma above named
and venkatnarnappa her
adopted son by his guardian
ramia brother of deceased
narnappa appeal against
the above orde

They allege
i that the by Comrs was
wrong in holding that narnappa
had been doing duties as gumastha
ii that the evidence on record
would shew that narnappa
was permanently appointed
patel and that he was doing
duty for over 30 years.
iii that the Plffs claim was
barred by limitation.

KGH

6.12.95

17

Revenue Appeal petn no 240 of 92-93.

Appellants.
1. Gowramma.
2. Venkatanarappa
Kondanagal village
Arsikere Taluq by
Sri. S. Narayan Rao
Advocate.

Respondents.
Maralu Siddalingappa
guardian Gangamma
Sri C Krishnamurthy

Notices Served.
4.5.93.

Notices Served.
17-5-94

[illegible]

18

Intern

29 Nov/80 comp.

C/a acemos

[illegible]

[illegible]

Adm rei

17/s

(1) Stamps Correct

(2) Copy produced L.R. 180-92

(3) Appeal in time

(4) Rule I cl(1) of the
Acol Rules

Call for
Proc
with report
B.O.
29/8/92

(General Serial No. 62.)

(2) 19

1892. 3

No. 240

Name of Petitioner. Gowramma &
Venkatnarnappa by
Village. adv: Mr. T. Narayan Ro

Taluk.

District. Bangalore Kanda

Date of Arzi. 23-7-92

Date of Receipt. 26-7-92

Date of Disposal.

No. of Enclosures. Two

ABSTRACT.

Appeal against the
decision of the Dy. Com
Hassan; in Rev. O.S. No. 4
1890-91. on the file of the
Court.

S.P.R
29/7/92

R.P.

Presented by Mr. Ramaya Rao's Pleader on 26/7/92

MYSORE DEWAN'S OFFICE
240R 20
26-7-92

(1)

MYSORE COURT FEE

In the Court of the Councillors to His Highness the Maharaja of Mysore

A.S. No 180 of 92-93.

Regular Revenue Appeal No. of 1892.

Appellants and Defendants 1. and 3.

1 Gowramma. 2. Venkata Naranappa, minor by his guardian Ramia.

~~Pf~~

Respondent and Plaintiff.

Marula Sidda – Minor by his guardian Elaragavada.

The 1st and 3rd Defendants above named beg to appeal against the decision of the Deputy Commissioner of Hassan in Original Suit No. 4 of 1890-91 for the following reasons:-

1 The Learned Deputy Commissioner erred in holding that the deceased Naranappa, the husband of 1st Defendant and adoptive father of the 3rd Defendant, was doing the duties of the Potailee office of Kondavagalu of Arasikaray Talu as gomasta.

12 MAY 92

23-7-92

2 The evidence on record distinctly proves that the said Naranappa was appointed patail permanently, and that he was doing duty for over 30 years in his own right.

3 The claim of Plaintiff is barred by the Law of Limitation.

4 The reasoning of the learned Deputy Commissioner is not sound.

5 The decision is against Law, weight of evidence and probabilities of the case.

Bangalore
23rd July 1892

S. Narayana Rao
Advocate for
Appellant

ಕೋರ್ಟಿಗೆ.

ಸಕ್ 189 ನೇ ಇಸವಿ ನಂಬರ.

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

ಗೆ.

ಬರೆಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಮತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕರಿ ಮೊಬಲಗು ದಸ್ತ್ರೈಪಡಿ ವಗೈರೆ ತೆಗದು ಕೊಂಡು ರಸೀದಿ ಕೊಡುವುದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಆದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
ಸಕ್ 189 ನೇ ಇಸವಿ.

ರುಜು

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

S. Narayana Rao

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿ ಇದ್ದಾರೆ ಆದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

Vishara Darpana Press, Bangalore, Established in 1862.

Ref
Fr 113-92

(3) 23

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

R 180-92-2

The accompanying Petition No. 240
dated 23rd July 1892 received at the
Dewan's Office from Gowramma
and Venkatanarappa, Kondavogal, Arsikere Taluk, appeal-
ing against the Deputy
Commr's order in re the
Potails of the said village,
is forwarded, together with its two
enclosures, to the Deputy Commr.
Hassan Distt, for submission
of Proceedings with a report
on the facts of the case and on
the points taken in the petition.

2 The petition should be returned.

Assessment Rs 44

By Order,

Draft 3/8/92

Chief Secretary.

BANGALORE,
4th August 1892.

Ent issued

Pet File 113-92

(General Serial No. 30.) 3127.

1892 P. 177

(4)

From

The Dy Commissioner, Hassan District

To

The Chief Secretary to the Dewan of Mysore.

Dated 10
Despatched 11 } October 1892

Received

Parcel not yet received Rec'd from the Post Office 17/10/92

Enclosures No. Petition with its enclosure & and 1 file of Ver: papers in parcel.—

General No. 4441
~~No.~~ 2699

In reply to 113 Dated 9th August 1892

SUBJECT.

Submitting report on the petition of Gowramma & Venkataramanbha Kowda vagil village, Arsikere Taluk appealing against the Deputy Commissioner's order in re. the Potelis of the said village &c. —

References (to be entered only in the Dewan's Office).

To the case No. 7. 113-92 Rt. Dy 5-8-93.

LR 180-92-8

Peis Memo Submitted to Hon'ble Council

6-12-92

Pet. March 12/10/92

K. Sheshagiri for Memo put up

30 Oct 92

28/10/92

13/10/92

(4) 25

No. 4441
en 1 petition
Vide of Vernacular

Deputy Commissioner's Office
Hassan District

Dated Hassan 10th October 192

From,

P. N. Ramanya Esqre.
Deputy Commissioner,
Hassan District.

To,

The Chief Secretary to the
Government of Mysore
Bangalore.

Sir,

With reference to your Head
memo No. 113 Dated 9th Ultimo for-
-warding a petition from Gowramma
and Venkatanarumppa of Kondava
-gil, Arsikere Taluk. appealing a-
gainst the order of this Office
in re the Potelii of the said village,
I have the honor to state that on
the 2d. April 1809 Naranappa the
husband of the 1st Appellant Gow-
-ramma and Potél of Kondavagil
presented a petition to the Amildar

J

of Hosakere praying that his brother Nanjappa may be appointed as his Gumasta he being seriously ill Three days after the presentation of the above petition he died when his brother Ramappa claimed the vacant post. While his claims were under enquiry Gerawwa and his brothers put forth their claims for the post stating that they were the legal heirs of Nanjegowda, Huldar Patel referred to in the Barabalooti Re-gister. The Amildar after making enquiries submitted the Proceedings stating "that neither Ramappa nor Gerigowda and his brothers have any claims. Clothes Office and Con sequently Nanjappa may be ap pointed as Gumasta as desired by the deceased both in his will left by him and in his petition

In

In reply the Huzildar was directed in this office order No 1065 Dated 10th December 1889 to inform the parties in question by endorsements thereon enclosed, stating that Eriyappa and his brothers have lost their right by the order passed in 1880 by the then Deputy Commissioner and that Ramappa failed to prove that the Potelli was his ancestral or self acquired one; and that therefore the name of Gowramma should be registered as Potel till she adopts a son. And as for the discharge of the duties a Competent person with the Consent of Gowramma among the Dayadees of the deceased or of Gowramma adopts a son a person named by the guardian of the minor may be selected and reported.

2 — Being dissatisfied with the endorsement,

endorsement given to Eeranna
his brother Dodda Siddegowda filed
a Regular Suit against Gowramma
and his brother Nanjappa for the
recovery of the office in question.

3— The case was referred to the
Amildar, who after due enquiry
submitted the Proceedings with his
report No: 1230 Dated 28th November
1890 In the memo received with
the said Proceedings the Amildar
is of opinion that Dodda Siddé
gowda was the proper claimant
to the Potéli in question. The re-
cords were again referred to the
Amildar with this office No:
562 Dated 31st Jany 1891 for further
enquiry and report which he
did on the 30th November 1891
vide his report No: 1410).

4— On the 20th June 1892 the
case came on for hearing
before Mr. Hajee Syed Nasseroodeen
who

who hearing the parties in person and perusing the records decided that Doddashiddé Gowdas son Ramula Siddu should be appointed as Patel of the said village as per reasons set forth in his judgment in original cases Nos 2 & 4 of 1890-91 and No 3 of 1891-92 herewith submitted together with the entire Proceedings. —

5 — The enclosure of your memo under reply is also herewith returned. —

I have the honor to be,
Sir,
Your most obedient servant;

J M Murray

Dy Commissioner
Hassan District

LR 180-92-4

Office of the Dewan of Mysore
Petition Branch

Pet
F. 113-92

(5)

Appeal Pet. No. 240 of 92-93

Appellants
1 Gouramma
2 Venkatanaranappa
Kondasagal Village
Arsikere Taluk

Respondent
Maralu Sidda, Minor
by Guardian Eeregowda

From the Amildar's No. 46 of 14-7-93

Official Memorandum

The Deputy Comm^r. of Hassan is requested to forward to this office the Register of 1863-64, referred to in the records herewith returned, and also the Kyfiyat mentioned in the Amildar's note in Paper No 4. The records should be retransmitted to this office

By Order

Redraft
5th May 1893
18th

for Chief Secretary
12/5

3

(5)

A. L. Mellor

The Dy Comr. of Hassan is requested to forward to this office the Revr of 1863-64, referred to, in the Records herewith returned & also the Kyfyat mentioned in the Amildar's note in Paper No 4. The Records should be retransmitted to this office

A. L.

5/5793

5/5793

Enclos. Retained with the letter

Petn for Mysore 17/7

Received in Office

Submitted to the Council

LR 180-92-5

(General Serial No. 30.)

5-80

189 . 17 JUL 93

Pet 33

32

From The Deputy Commissioner Hassan District

To

The Chief Secretary to the Dewan of Mysore.

Dated 14

Despatched 15 } July 1893

Received

Enclosures No. 1 B/B Register + 2 file (Separately)

General No. 48

No. Secy

In reply to

SUBJECT

Forwarding Barabalanti Register received from the Arsikere Taluk and the file of proceedings in connection with the appeal case No 26 of 92-93 on the file of the Dewan's office. Rebellandi Gowramma + another &c.

References (to be entered only in the Dewan's Office).

To the same No 1968 dy 28-7-93

P.F. 113-92

No. ___
Secy

Deputy Commissioner's Office
Hansan District

Dated: Hansan. July 1893.

From P. L. Purandare Esqre
Deputy Commissioner
Hansan District.

(6)

To The Chief Secretary
to Government of Bombay

Sir,

With reference to your office memorandum dated 14th May 1893 No 113·92, I have the honor to submit the Barabalasti Register of 1863-64 (old and worn out) received from the Amildar of the Arsikere Taluk with his report No 13/57 dated 3rd Instant, and to state that the Kayfiyet referred to is reported to be not for the Coorg or the Taluk records.

The enclosures of the above together with the Amildar's report are herewith returned.

I have the honor to be
Sir
your most obedient servant
P. L. Purandare
Deputy Commissioner

28/12/83

33 1

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commr
Hassan district.

LR 180-92-b

Dated 28

Despatched 3 / 9 / 93

Received

Enclosures No. one file of papers & Boundary Register

General No. 1968
Pet F No. 113-92

Calling for further report in connection with the appeal of Gowramma and another of Kondavagal, Arsikere Taluk.

References to be marked.

From the same No 2229 8/9/93

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

34

Official Memo

The Barabáluti Register of 1863-64 forwarded with the Deputy Commissioner's letter dated 14th July 1893, No. 68 does not correspond with the authenticated copy in the Records. The Deputy Commissioner is requested to explain the difference. If the original now forwarded is different, the Deputy Commissioner is requested to forward that Register from which the copy in the Records was taken. The Records are herewith forwarded for reference and return.

By order,

Chief Secretary

Redraft

St.

To

The Deputy Commr.

Hazara Detached, with records

35
(7)

Off Memo

The US arrabalbo Regr of 1863-64
forwarded with the Dy Comrs
letter dy 14 June July 1893
No 48 does not correspond with
the authenticated copy in the
Records The Dy Comr is requested
to explain the difference ~~in~~
~~forwarded~~ If the copy now
forwarded is different from
~~that~~ ~~of~~ ~~which~~ the Dy Comr
is requested to forward that
Regr from which the Copy
in the Records was taken.
The Records are herewith
forwarded for reference &
return.

28/7/93

(General Serial No. 30.)

1893. 3398

11 SEP. 1

P. 156

From

The Deputy Commissioner
Hassan District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 8th
Despatched } September 1893
Received

Enclosures No. 3 Baralahalli Regr Abstr
Kacha Potagi Register
Fee of Rs. 5 Papers

General No. 229
No.

In reply to No. 1968 / 113-92 Dated 18th August 1893.

SUBJECT.

Submitting further particulars regarding the office of Patel of Kondavadi village, Arsikere Taluk &c

LR 189-92-7

Put the case for hearing
5/2/94

Posted 6/1-3-94.

Adjourned to 26-4-94
Do — to 17th May 94

P.A. March 11/9/93

References (to be entered only in the Dewan's Office).

Deputy Commissioner's office
Hassan district

No. 222
Secy

Dated Hassan 8th September 1893.

(8)

From

P. h. Purnaya Esquire
Deputy Commissioner
Hassan district

To

The Chief Secretary to the
Government of Mysore
Bangalore

Sir,

Adverting to your Official Memo No 1968/113-92, dated 1st ultimo, regarding the Patels of Kondvagal, in the Arsikere Taluk, I have the honor to state that, the authenticated copy referred to in the memorandum under reply, is prepared from the Barabaluti Register of 1864, which is herewith submitted, together with the original forwarded with your memo above referred to and one prepared in 1882-83 and received from the Kadur district. —

2. — It is to be stated here, that the

the Entries in the Register, received with your memo under ——————— reference Correspond with the entries in the Register of 1882-83 received from the Kadur District, wherein it is entered that Nanjegowda's father was Potadiya and Karanappa was doing the duties, with no other remark, While in the Barabaladi Register of 1864 and in the authenticated Copy of this Register filed with record, it is entered that the father of Nanjegowda was Nanjegowda and Karanuppa doing duty with a remark that Nanjegowda having resigned the post, Karanuppa was appointed in his stead. —

3. — The Vernacular papers ending with Arsikere Amildar's report No 337 dated 23rd August 1893 with Kacha Polgi Register are herewith Submitted. —

I have the honor to be
Sir,
Your most obedient Servant

Deputy Commissioner
Hassan District

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 180 of 1892-93

Appellant.s	Vs.	Respondent.
1 Gowramma 2 Venkatānarasappa adopted son of No 1 represented by M.S. Narayan Row		Narula Sidda minor by guardian Viri Gowda. represented by M. C. Krishnamurti advocate

Decision dated 21st May 1894

Katcha

(1) Respondent's grandfather Ranje Gowda was the Potail of the village. The Register of 1864 shows that Ranje Gowda having resigned the post, 1st appellant's late husband Narasappa was doing duties. In the Register of ~~Pakka~~ Jodha Potigi Settlement in 1880, it is remarked that "Ranje Gowda is dead, his sons Viria, Sidda, Sanna Narula and Narula were present, and that Viria having deposed that the Office was not required either by him or his

minor brothers, Naranappa has been confirmed". The deposition of Viria is not forthcoming. On a suit brought by the late father of the Respondent in 1890, the Deputy Commissioner decreed in his favor. The appeal is against this decree

2 Appellant's contention is that the suit is barred, since her husband obtained possession of the Office so long ago as 1860. The enquiry held by the Amildar shows that Respondent's father was 5 or 6 years old in 1860, when Naranappa took possession of the Office, and even supposing that he was not so old as 5 years the suit is clearly barred as it was not

not brought till 1890.
The Respondent's contention
at the hearing was that
as Narayanappa was only
confirmed in 1880, (~~[illegible]~~
~~[illegible]~~) the cause of action
should be reckoned from
that date This contention
is inadmissible, as whether
Narayanappa was confirmed
or not, his possession
was adverse to the Respondent
The suit being clearly
barred, the Decree of the
lower Court is reversed
and Plaintiffs' suit dismissed

By Order
Receipt
Chief Secretary
No. 21129 of 5.8.94
P.C. 113-92
Copy to the Deputy Commr
Hassan Returned with the
proofs received with his No. 441
Dt. 10th October 1892

By Order
Chief Secy

Print in extenso
2.8.94
attested

Appellants

On 180 of 1892 [D.C. Jaffna]

Appt

1 Gowramma

2 Varkanantheppa
adopted son of No 1

Respt

1 Marula Kedola
Dhoby
by guardian Vire Gowda.

1st Respt's grandfather Nanjegowda was the Patael of the Village in Year of 1864 Nanjegowda having resigned the Post, 1st appt's late husband Narrinappa was doing duties. In the Pakka Potge settled in 1880, it is remarked that Nanjegowda is deceased, his sons Vira, Kunda, Sanna Gowda & Mirrala were present, & that Vira having deposed that the affair was not reported either by him or his mother brothers, Narrinappa has been appointed confirmed". — The deposition of Vira is not forthcoming. On a deed brought by the late father of 1st Respt in 1890 the Dist Court decreed in her favour. The appeal is against the Decree.

Appellant's contention

42

on that the Suit is barred as

~~Appellants contention~~ since her husband obtained

possession of the office so long ago

as 1860. ~~The Commissioner who enquired~~

~~into the case recorded that~~ The

enquiry held by the Commissioner shows that Respt's.

father was 5 or 6 years old in 1860, when

Naranappa took possession of the office,

& even supposing that he was not

old 5 years, the Suit is clearly

barred as it was not brought till 1890.

The Respt's contention at the hearing was that

Naranappa was only confirmed in 1880,

& that the cause of action should be reckoned

from that date. Her contention is inadmissible,

as whether Naranappa was confirmed or not —

her possession was adverse to the Respt's.

Therefore the Suit is clearly barred, the

Decree ~~of~~ of the Lower Court is reversed —

& the suit dismissed.

19/5/94

Bill 21/5

No. 240

LR 180-92-9

8-6-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

May 1894.

5th June 94

Endorsement granted to Gowramma, and Venkatnaranappa of Kondavogal, Arsikere Taluk, represented by Mr. V. Narayanrow, advocate

in reply to their Petition Registered No. 240 dated 23rd July 1892,

Handed to ~~him~~ regarding appealing against the ~~order~~ decree of the Deputy Commissioner the Patels of the above village.

Petitioner ~~is~~ are informed that the ~~order~~ decree of the Deputy Commissioner has been reversed and the Plaintiffs suit dismissed

The enclosures ~~is~~ are returned

"By Order"

Chief Secretary.

M. G. C. P., Bangalore—6-3-94.—2000.